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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/184,043	11/02/1998	HANS HORNAUER	P564-8023	3802
6449	7590	11/02/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			CEPERLEY, MARY	
1425 K STREET, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20005			1641	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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10202005

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Commissioner for Patents

See the attached letter.

Mary (Molly) E. Ceperley
Primary Examiner
Art Unit: 1641

Art Unit: 1641

1) This application has been revived per the decision on petition mailed September 09, 2005.

2) The reply filed on July 31, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The file of this application does not contain "the diagrams attached to the April 16, 2003 response" addressed in the July 31, 2003 Remarks (see the second paragraph of page 6). These diagrams were apparently originally presented at the personal interview of November 19, 2002 but not made of record in this application. Applicants' July 31, 2003 arguments regarding the patentability of the claims *vis a vis* the prior art rely heavily on a discussion of these diagrams. In the absence of the diagrams the examiner is unable to assess applicants' arguments. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3) It is noted in passing that amended claim 60 indicates that the "second member of said high affinity binding pair" is conjugated with "said analyte specific reactant". If this "second member" is attached directly to the "analyte specific reactant" (and not to the PEO), the "detection of an analyte" would not be possible since the "analyte specific reactant" would not be available for binding to the "analyte", i.e. the "analyte specific reactant" would be sandwiched between the "second member of said high affinity binding pair" and the "PEO" moiety.

It is further noted that contrary to applicants' statement in the last paragraph of page 13 of the Remarks of July 31, 2003, Example 10 of the specification (page 20) is not directed to the use of any PEO/analyte-specific conjugate.

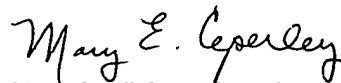
Art Unit: 1641

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary (Molly) E. Ceperley whose telephone number is (571) 272-0813. The examiner can normally be reached from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le, can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 20, 2005


Mary (Molly) E. Ceperley
Primary Examiner
Art Unit 1641